

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL SAUERS, Individually
and as Administrator of the Estate
of Carola R. Sauers,

Plaintiff,

V.

BOROUGH OF NESQUEHONING;
CHIEF OF POLICE SEAN SMITH; and
OFFICER STEPHEN HOMANKO,

Defendants.

Civil No. 3:16-CV-00811

Judge Jennifer P. Wilson

ORDER

AND NOW, on this 21st day of September, 2020, upon consideration of the motion for judgment on the pleadings filed by Defendant Borough of Nesquehoning, Doc. 51, **IT IS ORDERED** as follows:

1) The motion is **GRANTED** with respect to Counts V (wrongful death), VI (survival action), and VII (respondeat superior/vicarious liability), and judgment is **GRANTED** to Defendant Borough of Nesquehoning on these counts; and

2) The motion is **DENIED**, without prejudice, with regard to the Borough of Nesquehoning's duty to defend and indemnify Defendant Stephen Homanko.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania